

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD  
4

5 - - - - -X  
6 IN THE MATTER OF: :  
7 Colorado & Cohen, LLC :  
8 t/a Bullfrog Bagels :  
9 317 7th Street SE : Case #15-PRO-00121  
10 License #100249, Retailer CR : (status)  
11 ANC-6B :  
12 Application for a New License:  
13 - - - - -X

14  
15 Wednesday, January 20, 2016  
16

17 Whereupon, the above-referenced matter  
18 came on for hearing at the Alcoholic Beverage  
19 Control Board, Reeves Center, 2000 14th Street,  
20 N.W., Suite 400S, Washington, D.C. 20009.

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1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

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4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11 ELLEN OPPER-WEINER

12 ROBERTA BLANCHARD

13 on behalf of abutting property owners

14 MATTHEW FRUMIN

15 JEREMIAH COHEN

16 on behalf of the Applicant

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1 P R O C E E D I N G S

2 [9:52 a.m.]

3 CHAIRMAN ANDERSON: All right. The next  
4 case on our calendar is case number 15-PRO-00121,  
5 Bullfrog Bagels, license number 100249. Will the  
6 parties please approach?

7 [Pause.]

8 CHAIRMAN ANDERSON: I'll get the sign-in  
9 sheets for the -- over here.

10 [Laughter.]

11 [Pause.]

12 CHAIRMAN ANDERSON: Can you please  
13 identify yourself for the record, please? We'll  
14 start with the Applicant.

15 MR. COHEN: I'm the owner of Bullfrog  
16 Bagels, Jeremiah Cohen.

17 CHAIRMAN ANDERSON: You can go ahead,  
18 sir.

19 MR. FRUMIN: Matthew Frumin, representing  
20 Jeremiah Cohen. Matthew Frumin, representing  
21 Jeremiah Cohen, F-r-u-m-i-n.

22 CHAIRMAN ANDERSON: Are you an attorney,

1 sir?

2 MR. FRUMIN: I am an attorney, but I  
3 think I've been designated because of my  
4 expertise in the ANC, in the ANC I served on.

5 CHAIRMAN ANDERSON: No, the reason I'm  
6 asking, you said "representing." So that's why  
7 I'm asking the question. So, and I'm also new.  
8 So you could be someone who appears before the  
9 rest of the board, and they're not familiar with  
10 you. So that's why I was just asking when you  
11 said you were representing.

12 So you're representing them, but not in  
13 an attorney capacity?

14 MR. FRUMIN: Not in an attorney capacity.

15 CHAIRMAN ANDERSON: Okay. Fine.

16 Yes, ma'am.

17 MS. OPPER-WEINER: Good morning. Ellen  
18 Oppen-Weiner. I'll spell the last name for you.  
19 It's O-p-p-e-r, there's a hyphen, W-e-i-n-e-r.  
20 And I'm representing the abutting property owners  
21 who are the protest.

22 CHAIRMAN ANDERSON: And you're an

1 attorney?

2 MS. OPPER-WEINER: I am an attorney.

3 CHAIRMAN ANDERSON: So you're  
4 representing them in an attorney capacity?

5 MS. OPPER-WEINER: I am. Yes.

6 CHAIRMAN ANDERSON: Okay. Thanks.  
7 Yes.

8 MS. BLANCHARD: Roberta Blanchard. I am  
9 one of the abutting neighbors. Roberta  
10 Blanchard, B as in boy, l-a-n-c-h-a-r-d.

11 CHAIRMAN ANDERSON: All right. This  
12 matter is set for a protest hearing on February  
13 10th at 1:30. Are the parties, they understand  
14 the process of the protest hearing? And the  
15 purpose of the protest hearing is whether or not  
16 the establishment, whether or not it's  
17 appropriate for the area that the license is  
18 being requested.

19 I'd also provide the information  
20 regarding the protest information form, that it  
21 needs to be filed within seven days prior to the  
22 hearing. And you know the part that should be

1 filed with April Randall.

2 Do you -- and so, I wanted parties to --  
3 if you're unable come to an agreement, I want the  
4 parties to know that if we do have the hearing,  
5 we need to just make sure that it is the issue at  
6 hand. And I know there might be other issues.  
7 But the appropriateness of the establishment in  
8 the area that it's asking for a license. Okay?

9 Now, do you guys have any questions that  
10 you want to -- any questions about the  
11 instruction that you'd like to ask before you  
12 move forward?

13 MS. OPPER-WEINER: Yes, I have one  
14 question.

15 CHAIRMAN ANDERSON: Yes, ma'am.

16 MS. OPPER-WEINER: About witnesses.  
17 There's no mention of subpoenas. Do we have to  
18 subpoena witnesses, or can we if there's any  
19 reason to? How does that work?

20 CHAIRMAN ANDERSON: All right. Why don't  
21 you -- you can contact Ms. Randall. Her phone  
22 number is 202-443-4353.

1 MS. OPPER-WEINER: Four-four-two.

2 CHAIRMAN ANDERSON: Four-four-two-four-  
3 three-four-three.

4 MS. OPPER-WEINER: Okay.

5 CHAIRMAN ANDERSON: And she will explain  
6 to the process of the subpoena process and the  
7 document process, if that needs to be done.  
8 Okay?

9 MS. OPPER-WEINER: You also mentioned  
10 another protest at the same time on that date. A  
11 little bit earlier, I thought I heard you say  
12 February 10th at 1:30 for someone else.

13 CHAIRMAN ANDERSON: No. This one is  
14 scheduled for 4:30. And so, I'm sorry. No, this  
15 is scheduled for 1:30, and so the other one is  
16 for an earlier time. When we schedule protest  
17 hearings, it's one scheduled for 1:30 and then  
18 another one scheduled for 4:30.

19 MS. OPPER-WEINER: Okay.

20 CHAIRMAN ANDERSON: And so, your hearing  
21 is scheduled for 1:30.

22 MS. OPPER-WEINER: One-thirty, yes.

1 CHAIRMAN ANDERSON: The further you're  
2 from Dean and Deluca, right?

3 MS. OPPER-WEINER: No.

4 CHAIRMAN ANDERSON: All right. The  
5 general counsel, well, if there's a problem with  
6 the dates, they will contact you and clarify the  
7 dates. All right? So I apologize. And  
8 sometimes I'm a potted plant here, so I'm reading  
9 the instructions as given to me.

10 [Laughter.]

11 CHAIRMAN ANDERSON: So sometimes that  
12 can't necessarily sink in my seat. So I'm just  
13 reading the instructions. But if there's any --  
14 if there are any concerns, and I did not catch it  
15 myself, but thank you for catching that. But we  
16 will take care of it.

17 MS. OPPER-WEINER: Okay.

18 CHAIRMAN ANDERSON: All right?

19 MS. OPPER-WEINER: Yeah. Thank you.

20 CHAIRMAN ANDERSON: Thank you very much.

21 [Whereupon, at 9:55 a.m., the  
22 above-entitled matter concluded.]